

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CR-20-00307-JD
	)	
JUSTIN BIGGS,	)	
	)	
Defendant.	)	

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UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CR-21-00282-JD
	)	
	)	
MITCHELL K. COATNEY,	)	
	)	
Defendant.	)	

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UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CR-22-00209-JD
	)	
	)	
BLAINE DYER and	)	
JAMES (“JIMMY”) DYER,	)	
	)	
Defendants.	)	

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**ORDER**

The Final Presentence Investigation Reports (“Final PSRs”) were filed against the respective Defendants on November 3, 2021 (Justin Biggs) [Doc. No. 23], May 9,

2022 (Mitchell K. Coatney) [Doc. No. 23], and December 26, 2023 (Blaine Dyer and James Dyer) [Doc. Nos. 234 and 235].

Based on the information in the Final PSRs, the issues of guideline loss and loss for restitution purposes are complex and will require a hearing to resolve. Additionally, the Court notes that other objections to specific offense characteristics and role adjustments will impact the advisory sentencing guideline range. Accordingly, the Court sets this matter for an evidentiary hearing on **March 19, 2024, at 9:00 a.m.** The Court will reserve the entire day until 5:00 p.m. for evidence and argument from the Government and Defendants on the issues of restitution, guideline loss, and those objections impacting the advisory guideline range.

**Presence of all Defendants at this proceeding is required as it relates to sentencing.** *See* Fed. R. Crim. P. 43(a)(3). The Government should ensure that any victim has notice of the proceeding.

Any party intending to introduce witness testimony at the evidentiary hearing shall file a Witness List (including an Offer of Proof for each listed witness) by **March 5, 2024**. Any exhibits that the parties intend to introduce at the evidentiary hearing shall be submitted to the Court in hard copy and electronic form by **March 5, 2024**, and the introducing party shall file an Exhibit List by the same deadline. Copies of said exhibits should be served on the opposing parties by the same deadline.

The Court encourages the parties to reach reasonable stipulations where they can and, to the extent possible, submit joint exhibits where they can do so. The Court also directs the parties to continue to meet and confer in an effort to narrow and resolve any

disputes.<sup>1</sup> Following the evidentiary hearing, the Court will set subsequent hearing dates to announce its rulings and to impose a sentence with respect to all Defendants. To that end, the Court may impose additional deadlines, if necessary, on March 19, 2024.

IT IS SO ORDERED this 31st day of January 2024.



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JODI W. DISHMAN  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Some of the common issues presented include whether there should be one common figure of loss for restitution purposes, whether some or all of the various civil settlements should be credited against that figure, and whether the restitution should be apportioned among the defendants or should be joint and several. There are some issues that might be unique or specific to certain defendants. The government should take the lead on conferring with the lawyers for Defendants in an attempt to resolve and streamline this hearing. The government, on behalf of the parties, shall present a proposed hearing schedule by **March 11, 2024**, that assists the Court in organizing the hearing on common issues and defendant-specific issues and makes the best use of everyone's time. If stipulations are reached or objections are withdrawn, a party should file a notice with the Court by **March 11, 2024**.